



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3003605
Applicant Name: Joel Wilbur for 135th and Aurora LLC
Address of Proposal: 13242 Aurora Avenue North

SUMMARY OF PROPOSED ACTION

Land Use Application for one single-story 6,400 sq. ft. retail/commercial building and one two-story 45,000 sq. ft. commercial building (LA Fitness). Parking for 235 vehicles to be provided on a surface parking lot. Project includes 27,000 cu. yds. of grading.*

*Note: The project description has been revised from the original notice of application to reflect an adjustment to the proposed gross floor area and parking stall count.

The following approvals are required:

Design Review – (Chapter 23.41, Seattle Municipal Code) with no Development Standard Departures.

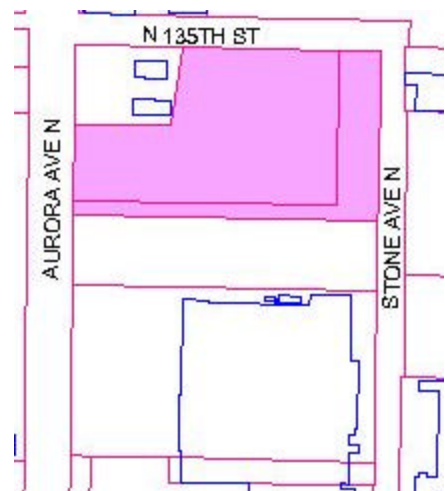
SEPA - Environmental Determination – (Chapter 25.05, Seattle Municipal Code).

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS
 ☒ DNS with conditions
 ☐ DNS involving non exempt grading or demolition or involving
 another agency with jurisdiction.

BACKGROUND INFORMATION

Site and Vicinity Description

This approximately 161,909 square foot (sq. ft.) flag-shaped site is located in a Commercial 1 zone (C1-65'), situated with frontage along the east side of Aurora Avenue North; the south side of North 135th Street; and the west side of Stone Avenue North. No structures exist on the subject site. The subject property is accessed via one curb cut along Aurora Avenue North and one curb cut along Stone Avenue North (permitted by an



ingress/egress easement granted from the neighboring property just south of the subject property).

Aurora Avenue North, North 135th Street and Stone Avenue North are improved streets with curbs, sidewalks, gutters and street trees in front of the subject site. Aurora Avenue North is classified as a Principal Arterial street, pursuant to SMC Chapter 23.53 with a total of seven lanes of traffic-three lanes of traffic running north, three lanes of traffic running south and one center east/west turn lane. Both North 135th Street and Stone Avenue North are Non-Arterial streets.

This paved site has scattered trees, grass and shrubs at the middle and along the site's westernmost, northernmost and easternmost property boundary lines. The site is relatively flat. A series of retaining walls and rockery systems serve to retain downward sloping conditions along the westerly, northerly and easterly boundary lines. However, a minor area located near the northeasterly corner of the site has been identified as Environmentally Critical Area (ECA)-Steep Slope by the DPD Geotechnical Review.

Adjacent zoning surrounding the site is as follows:

North	Commercial 2 (C2-40')
East	Commercial 2 (C2-40')
South	Commercial 1 (C1-65')
West	Commercial 1 (C1-65')

Adjacent uses are as follows:

North	Retail (Sam's Club), Fast Food Restaurants (Ivars, Kentucky Fried Chicken)
East	Hotel
South	Retail (Kmart, Staples, Petsmart), Grocery Store (Albertsons)
West	Retail, Restaurants, Fast Food Restaurants, Gym and Grocery Store (Grocery Outlet) buildings

Proposal

The proposed redevelopment of the site involves the construction of a 45,000 sq. ft. one-story with mezzanine indoor participant sport building (L.A. Fitness) and a 6,400 sq. ft. one-story multi-tenant retail building. Two hundred thirty-five (235) surface parking stalls and one loading berth stall are proposed. Vehicular access to the surface parking spaces and the loading berth would occur via Aurora Avenue North and Stone Avenue North. The project includes approximately 27,000 cu. yds. of grading. Street improvements involving landscaping and street trees along Aurora Avenue North and Stone Avenue North are proposed. Additional landscaping improvements are proposed within the surface parking area and along the subject site's easterly, westerly and northerly property lines. The principal exterior building materials proposed are CMU (concrete masonry units), concrete walls, metal and low-reflective glazing.

Public Comments

Nine members of the community attended the Early Design Guidance meeting held on January 9, 2006. Public comments and clarifying questions focused on the following issues:

- Emphasis on the need to provide for vehicular access to the site from Stone Avenue North as prescribed in the Broadview/Bitter Lake/Haller Lake Neighborhood Plan. Public agreed that

the traffic flow on Stone Avenue North is better than on Aurora Avenue North when traveling to and from retail developments in the immediate area;

- Inquiry as to whether or not the architect had reviewed the Aurora/WSDOT (Washington State Department of Transportation) plans. (*Architect responded that he had not reviewed this plan.*);
- Concern regarding what would be visible (i.e. mechanical equipment) on the proposed large building's rooftop from elevated viewpoints north and west of the site. Installation of a "green roof" was suggested;
- Encouraged the usage of more pervious surfaces and more tree plantings to make the development more visually interesting;
- Partiality to the non-preferred scheme that illustrated the development of a "65' dual purpose building that would cover the entire site";
- Suggested the main entrance to the building should be closer to Stone Avenue North;
- Inquiry about the future tenants that might be at this development. The member felt that this information was relevant to the discussion "because use and design go together". The response from the architect was that a fitness club (*LA Fitness*) is the future tenant for the larger building and no tenant has been acquired for the building along Aurora;
- Suggested that the new retaining walls proposed on the north side of the property be shifted to the south and a building with multiple tenant spaces consisting of retail and service uses should be orientated along the property's northern boundary edge in order to "give life to North 135th Street";
- Concerns regarding the visual impact of the proposed 20' retaining walls around the site's interior area-particularly at the northwest corners. A member suggested the application of an applied coating to the proposed 20' retaining walls to decrease the opportunity of graffiti art;
- Concern that the retail building along Aurora Avenue North will not be well utilized;
- Support for the applicant's preferred design of two (2) buildings with surface parking surrounding the buildings;
- Suggest the proposed parking layout should be well lit, avoid "dead end" areas and allow for vehicular entrances on both Aurora Avenue North and Stone Avenue North in order to address potential safety concerns.

Nine members of the community attended the Early Design Guidance meeting held on January 9, 2006. Public comments and clarifying questions focused on the following issues:

- Inquiries whether or not the existing trees along North 135th Street are on City property and will they remain. (*Trees are on City right-of-way and will remain.*);
- Concern that the landscaping proposed is not native to the Northwest-not familiar with the genus/species names;
- Clarification on the amount of property proposed to be dedicated to the City (SDOT) for right-of-way purposes. (*4' along Aurora Avenue North and 1' along North 135th Street*);
- Support for the proposed design treatment of the retaining walls;
- Clarification on the location and orientation of the proposed retaining wall systems;
- Concerned that the pedestrian pathway from Aurora Avenue North will be too narrow once the proposed landscaping is installed;

- Clarification of the width of the driveway coming from Stone Avenue North. (24' wide).

The SEPA public comment period for this project ended April 19, 2006. DPD received no written comment regarding this proposal.

ANALYSIS - DESIGN REVIEW

Design Guidance

At the EDG meeting, the project architect (Joel Wilbur) gave a description of the project site and surrounding development in the immediate area. He explained the unique topography traits inherent to the site: a 10'-12' grade difference from Aurora Avenue North down to the development; and, as North 135th runs east, existing topography dips down below the grade of the property and then eventually matches grade on Stone Avenue North.

The architect presented three project alternatives or schemes illustrating the alternative massing diagrams, building location and elevation drawings. The diagrams represented the neighborhood context and future conditions based on zoning. The applicant's preferred design scheme proposes two one-story commercial buildings with the first building adjacent to Aurora Avenue North, the second larger building towards the center of the site and surface parking between and surrounding the structures. Direct vehicular access to the proposed surface parking stalls would occur via one existing curb cut from Aurora Avenue North and one proposed curb cut from Stone Avenue North; and an internal connection within the existing neighboring retail development south of the proposal to allow for integrated context and internal traffic flow.

After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided siting and design guidance and identified by letter and number those siting and design guidelines found in the City of Seattle's *Design Review: Guidelines for Multifamily and Commercial Buildings* of highest priority to this project.

The Design Review Board reviewed the final project design on June 6, 2006, at which time site, floor plans, landscaping, elevation sketches and material samples were presented by the project architect for the members' consideration. At the Recommendation meeting, the project proposal had been revised to include an increase in each structure's gross floor area to 6,600 sq. ft. for the smaller multi-tenant retail building along Aurora Avenue North and to 45,000 sq. ft. for the larger indoor participant sport (LA Fitness) building situated in the middle of the subject site. The guidance by the Board appears after the bold guidelines text and the **recommendations from the final meeting follow in bold text.**

A. Site Planning

A-1 Responding to Site Characteristics

The siting of buildings should respond to specific site conditions and opportunities.

A-3 Entrances Visible from the Street

Entries should be clearly identifiable and visible from the street.

A-4 Human Activity

New development should be sited and designed to encourage human activity on the street

A-8 Parking and Vehicle Access

Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

The Design Review Board identified the guidelines above as high priority. The Board was supportive of applicant's preferred scheme-two one-story commercial buildings with one building adjacent to Aurora Avenue North, the second larger building orientated towards the center of the site and surface parking between and surrounding the structures. The Board noted that this scheme assists in creating retail development at the Aurora Avenue North right-of-way instead of continuing the "big box with surface parking in front" type of development that currently exists along Aurora Avenue North. However, the Board feels the proposed structure along Aurora needs to provide a bigger presence in order to assist in bringing more life to that street. Therefore, the Board wants the design to increase the length of the Aurora frontage for the smaller building along Aurora Avenue North and provide proposed signage design. Suggestions from the Board such as decreasing the width of the existing curb cut on Aurora in order to lengthen the building façade and/or enlarging the retail building could assist in meeting this guideline.

The Board recommends that the design should provide for connectivity of parking and pedestrian access with the neighboring development south of the subject site.

At the Recommendation meeting, the architect presented a design that lengthened the smaller building's frontage along Aurora Avenue North by 25' which in turn, decreased the width of the existing curb cut and driveway. The proposed driveway along Aurora Avenue North is now 25' in width instead of the existing 35' in width. The design now includes a large pylon sign near the driveway entrance along Aurora Avenue North and a smaller monument sign along Stone Avenue North to address the tenants of both buildings. Signage will also be affixed to each building's front interior-facing facades. The Board agreed that the increased building façade length along Aurora assists in providing more presence on Aurora Avenue North-especially considering the existing site constraints the applicant has to work with. The Board also appreciated that the building's height was raised to also add more presence.

B. Height, Bulk and Scale

B-1 Height, Bulk and Scale

Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by , less-intensive zones.

The proposed project would be two one-story structures in a C1-65 zone, which allows a height limit of sixty-five feet. The Board acknowledged that the preferred scheme divides the building mass into a configuration that is sensitive the surrounding development. The Board requests the applicant to create a context that more closely illustrates human scale.

C. Architectural Elements and Materials
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C-1 Architectural Context

New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

C-2 Architectural Concept and Consistency

Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.

Buildings should exhibit form and features identifying the functions within the building.

In general, the roofline or top of the structure should be clearly distinguished from its façade walls.

C-3 Human Scale

The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.

C-4 Exterior Finish Materials

Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

The surrounding architectural character is dominated by “big box” retail developments with parking in front. It is not the Board’s desire to continue with this style of development along Aurora. For this reason, the Board noted that the design of this development should be a good/better example for future development. The Board agreed that pushing one of the proposed structures to Aurora Avenue North establishes a more desirable urban street presence. The Board was pleased with the proposed awnings and circular corner element. The Board encourages continuity of exterior finishes on all building facades and interesting roof forms. The Board recommends brick materials, glazing, transparency and paved sidewalks surround each structure. The applicant should provide more detailed materials, color palette and roof form designs at next meeting.

At the Recommendation meeting, the applicant explained that even though the buildings will be designed by different architects, the buildings’ exteriors will be complimentary. The material palette proposed for the retail building includes a smooth concrete base, CMU split face and smooth face block walls, clear anodized aluminum storefront windows and doors, metal canopies and metal parapet coping with a color palette consisting of natural grey, brown, sand stone, mesa tan and charcoal grey. The proposed color and material palette for the sports facility is similar to colors and materials mentioned above and also include glass block glazing, cap flashing and circular perforated steel corner roof elements.

The Board was pleased with the materials and colors presented by the applicant.

D. Pedestrian Environment

D-1 Pedestrian Open Spaces and Entrances

Provide convenient, attractive and protected pedestrian entries.

D-2 Blank Walls

Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.

D-3 Retaining Walls

Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible. Where high retaining walls are unavoidable, they should be designed to reduce their impact on pedestrian comfort and to increase the visual interest along the streetscape.

D-4 Design of Parking Lots Near Sidewalks

Parking lots near sidewalks should provide adequate security and lighting, avoid encroachment of vehicles onto the sidewalk, and minimize the visual clutter of parking lot signs and equipment.

D-6 Screening of Dumpsters, Utilities and Services Areas

Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible.

D-7 Personal Safety and Security

Project design should consider opportunities for enhancing personal safety and security in the environment under review.

The architect should study the pedestrian environment around the project site and present a design that demonstrates a good transition between the sidewalk on Aurora Avenue North and the proposed retail building along Aurora. The design should create a pedestrian pathway connection between the two buildings and pedestrian paths from Aurora Avenue North and Stone Avenue North to the proposed larger building in the middle of the project site. The Board agrees vehicular entrances should be located from both Aurora Avenue North and Stone Avenue North.

The Board was concerned with the proposed height of the retaining walls (20' maximum) and the potential lack of design treatment on the proposed building's facade along Aurora Avenue North. The Board wants the applicant to provide elevations of all sides of the proposed buildings illustrating modulation, transparency, colors and architectural features such as overhangs and window framing that identifies with the landscape and is visually interesting. The Board also wants the applicant to provide alternative retaining wall systems to straight vertical that will dramatically decrease the height of the 20' retaining wall. The Board also noted that materials (coatings) applied to the retaining walls that are resistant to graffiti are desirable unless the walls are rockeries.

At the Recommendation meeting, the architectural site plan included pedestrian sidewalks commencing from Aurora Avenue North, connecting to sidewalks along the proposed buildings' facades and pathways extending to sidewalks along Stone Avenue North. The Board expressed concern that the pedestrian connections weren't well articulated on the plans. Board members agreed that where there is a driving aisle that intersects with a crossing pedestrian, that crossing point needs to be a different paving material and/or different texture than the parking surface-needs to read differently. Therefore, the Board recommended differentiated paving at all pedestrian crossing points. The Board also wants the applicant to further enhance the pedestrian entrance by widening the sidewalk adjacent to the Aurora

driveway aisle and/or providing a bench at the midpoint of the sidewalk similar to the resting areas suggested along Aurora Avenue North.

The architect presented building elevations illustrating modulation, transparency, colors and architectural features including overhangs and aluminum window framing. The applicant expressed difficulties in providing transparency along the retail building's northern and western façades and the proposed sport facility's eastern and northern façades-mainly due to the proximity of the grade in relation to the ceiling height for the retail building and the orientation of the shower/locker rooms and sports courts in the proposed sports facility. Therefore, the applicant presented a combination of modulation and landscaping consisting of green screens, low shrubbery and tall trees along the previously mentioned façades to add visual interest and modulation for the expansive blank walls. The Board discussed the lack of transparency along the retail building's northern façade and agreed that some glazing is needed to enhance the visibility of the entry. The applicant provided further explanation about the difficulties with installing glazing at this façade. After further discussion, the Board recommended additional glazing at the east end of the north façade that wraps around. The Board is pleased with the proposed green screens and encourages the applicant to retain this design treatment.

The applicant presented three retaining wall alternatives for the Board's purview. By providing 10' of curb to property line in front of the proposed retaining wall, they investigated three scenarios; stepping the retaining wall (structural issues), installing a Criblock retaining wall system and installing a cantilevered soldier pile wall that comprises of different layering techniques such as adding fencing and the landscaping in front of the retaining wall. The applicant proposes the following retaining wall designs: a vertical concrete wall along North 135th with solid 8' wood fencing at the wall's base, trees and shrubbery in front of the fencing and plantings cascading down from the upper portion of the wall; and, a landscaped Criblock wall along the subject site's western property line. The applicant's opinion is that this design successfully minimizes the wall's massing and creates a barrier from possible illegal activities-such as graffiti.

E. Landscaping

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites

Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

E-2 Landscaping to Enhance the Building and/or site

Landscaping, including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

E-3 Landscape Design to Address Special Site Conditions

The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural areas, and boulevards.

Landscaping should enhance the prior guidelines, by creating a transition from neighboring lots and from the street, softening edge conditions and by helping create a green streetscape. The Board noted that the views of the surface parking area should be minimized through landscape buffers and shade trees along the property boundaries, in the parking area and around the buildings. The Board recommends the applicant provide more cluster landscaping in various forms around the buildings (even if) by decreasing the amount of proposed non-code required parking stalls to create more substantial pervious surfaces (such as grasscrete, etc.) and exploration of alternative paving patterns to create a more human environment. The Board also recommends that the landscaping interacts with the building more than what is currently shown. The applicant should provide alternative concepts to the DPD land use planner prior to next meeting.

At the Recommendation meeting, the applicant presented an enhanced landscape plan that included additional landscaping along the retail building's west façade along Aurora Avenue North; within the surface parking lot area and landscaping along North 135th Street. The applicant addressed the Board's request for more substantial pervious surfaces by proposing to double the amount of code-required landscaping. After hearing the applicant's presentation and reviewing the landscape plan in the DR packets, the Board expressed confusion about the lack of species types identified on the plans and the "thinness" of the landscaping within the parking area. The Board felt clear guidance was necessary in regards to future suggested planting for the proposed landscaped Cribblock wall system. The Board also felt that this is an opportunity for the Architect to improve on the quality and the sustainability of future landscaping at this site. The Board offered several recommendations regarding future landscaping.

Design Review Departure Analysis

No departures from the development standards were requested and recommended for approval.

Summary of Board's Recommendations

The recommendations summarized below are based on the plans submitted at the Final Design Review meeting. Design, siting or architectural details specifically identified or altered in these recommendations are expected to remain as presented in the presentation made at the June 6, 2006 public meeting and the subsequent updated plans submitted to DPD. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the Design Review Board members recommended **CONDITIONAL APPROVAL** of the proposed design subject to the following design elements in the final design including:

- 1. Widen the sidewalk adjacent to the Aurora driveway aisle and/or provide a bench at the midpoint of the sidewalk similar to the resting areas suggested along Aurora Avenue North.**

2. **Provide a differentiation between paving colors and textures at all pedestrian crossing point (six in total) in the parking lot. Each crossing point should also be raised.**
3. **Provide glazing at the east end of the retail building's north façade that wraps around the northeast corner or provide an alternative design treatment that incorporates glazing along that façade. Green screens should be retained.**
4. **Provide a landscape plan that includes the following information:**
 - **A list of correctly identified plants.**
 - **Additional landscape islands and trees (minimum four trees) at the southwestern parking area to assist in clearly defining the separation between properties.**
 - **Proposed trees planted within the parking areas should be large canopy deciduous species (Red Maple, Large Acers) that provide shade during the summer, preferable fall color and interesting form in the winter.**
 - **Plantings in the criblock wall should be dense, lush, irrigated and-when mature-the wall will not be visible; a predominance of evergreen plantings (drought tolerant).**
 - **Proposed trees and plantings along the northernmost retaining wall should “feel looser”, have more of a variety of species and have a mix of evergreens and deciduous. The quantity of trees should remain. The symmetry of the linear landscaping should not appear too regimented.**
 - **Proposed trees planted near the sports facility's entrance (Magnolias) should be large evergreen species with large tree grates.**
 - **A mixture of large canopy deciduous and evergreen species along the retail building's west façade that minimizes the opportunity for nefarious activities and adds interest to the pedestrian realm and the building frontage along Aurora Avenue North.**

The recommendations of the Board reflected concern on how the proposed project would be integrated into both the existing streetscape and the community. Since the project would have a strong presence along Aurora Avenue North, North 135th Street as well as Stone Avenue North, the Board was particularly interested in the establishment of a vital design that would improve upon the existing streetscape, interact with the pedestrian activity at this critical intersection and integrate with existing surrounding commercial uses.

The design review process prescribed in Section 23.41.014.F of the Seattle Municipal Code describing the content of the DPD Director's decision reads in part as follows:

The Director's decision shall consider the recommendation of the Design Review Board, provided that, if four (4) members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision which incorporates the full substance of the recommendation of the Design Review Board, unless the Director concludes the Design Review Board:

- a. *Reflects inconsistent application of the design review guidelines; or*
- b. *Exceeds the authority of the Design Review Board; or*
- c. *Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or*
- d. *Conflicts with the requirements of state or federal law.*

Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines.

ANALYSIS & DECISION – DESIGN REVIEW

Director's Analysis

All five members of the Northwest Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F3). The Director acknowledges the street level details, building materials, and architectural design that support a high-quality, functional design responsive to the neighborhood's unique conditions. Most of the recommendations made by the Design Review Board have already been reflected in the plans. The Director accepts the conditions recommended by the Board that further augment Guidelines C-1, C-2, C-3, C-4, D-1, D-2, D-3, E-1, E-2, and E-3.

Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include all of the recommendations of the Design Review Board. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the five members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board.

Director's Decision

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the five members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Design Review Board agreed that the proposed design, along with the conditions listed, meets each of the Design Guideline Priorities as previously identified. Therefore, the Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design with the conditions enumerated above and summarized at the end of this Decision.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated March 15, 2006. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The Department of Planning and Development has reviewed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and considered public comments received regarding this proposed action. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *“Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation”* subject to some limitations. Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

Short-term Impacts

The following temporary or construction-related activities on this site could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of construction-related noise, earth, grading, streets, parking impacts and pedestrian circulation.

Noise

Noise associated with grading and the construction of the buildings on the subject site could adversely affect surrounding commercial uses in the area. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Compliance with the Noise Ordinance (SMC 22.08) is required and will limit the use of loud equipment, registering 60 dB(A) or more at the receiving property line or a distance of 50 feet from the equipment, to the hours between 7:00 a.m. and 10:00 p.m. on weekdays and between 9:00 a.m. and 10:00 p.m. on weekends and holidays. The Noise

Ordinance will provide sufficient mitigation for the anticipated noise-related impacts. Therefore, no mitigation of noise-related impacts pursuant to SEPA authority is warranted.

Earth

The ECA Ordinance and Director's Rule (DR) 3-94 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement, the applicant submitted a Geotechnical Engineering Report prepared by Ricky R. Wang, Ph.D., P.E. (The Riley Group, Inc.) dated October 28, 2004 and a Geotechnical Report Addendum prepared by the same engineer dated July 17, 2006. The reports evaluate the soil and site conditions and provide recommendations for erosion and drainage controls, grading, earthwork, foundation construction, slab-on-grade support and retaining walls.

The summary of the report's findings is the following: After drilling eight test borings at approximate locations on the subject site, it was determined that "the site is generally underlain by glacial till, which consists of very dense silty sand with gravel. Test boring B-3 and B-5 encountered approximately 5 to 6 feet fill consisting of medium dense silty sand with gravel and trace organics in the southeast portion of the site. Groundwater was not encountered during our subsurface investigation, reaching a maximum depth of 14 feet below ground surface (bgs)." Test results indicate "site liquefaction potential during an earthquake is minimal". Per the soils report, "the site is suitable for the proposed construction from a geotechnical standpoint". The submitted report and report addendum, which is located in the project file, further details the specific requirements for proper installation of foundations; slabs-on-grade; retaining walls; pavements; drainage; excavation; grading techniques; site preparation; and seismic considerations.

The soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DPD Geotechnical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the Stormwater, Grading and Drainage Control Code (SGDCC) (SMC 22.802.015 D). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DPD building plans examiner and geotechnical engineer prior to issuance of the permit. The SGDCC provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used; therefore, no additional conditioning is warranted pursuant to SEPA policies.

Grading

According to the proposal and the geotechnical study, onsite grading will occur during the excavation phase to establish desired building grades; to allow for each structure's foundation; and, to allow for the installation of retaining and crib walls. Approximately 27,000 cu. yds. of material will be removed from the subject site, which could create potential earth-related impacts. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. Compliance with SGDCC (SMC

22.804.040) will require the proponent to identify a legal disposal site for excavation debris prior to commencement of construction. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed en-route to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Construction-Related Streets, Parking and Pedestrian Circulation

The Street Use Ordinance includes policies that regulate dust, mud and circulation within the public right-of-way. Any temporary closure of the sidewalk and/or traffic lane(s) is controlled with a street use permit through the Seattle Department of Transportation (SDOT). The sidewalks along Aurora Avenue North, North 135th Street and Stone Avenue North are pedestrian routes which should be kept open to the greatest extent possible. Construction activities may result in sidewalk closures or other obstacles to pedestrians.

Per SMC 25.05.675.B.2, DPD has authority under SEPA to impose conditions to mitigate parking impacts related to the project. During construction, parking demand will increase due to construction personnel and equipment. Off-site parking during construction hours in the general vicinity of the project is available but it is unclear what the effects of possible spillover parking may occur onto the public right-of-ways (specifically North 135th Street and Stone Avenue North) and the neighboring site's surface parking area.

This proposal includes on-site excavation/grading on the subject site. This area of the City is known to have congested streets, especially during peak hour traffic periods. Large construction vehicle associated with grading, excavation and materials delivery may adversely impact peak hour traffic. There are no City codes or ordinances to address the impact of large vehicles or highly congested streets. As a result, mitigation is warranted as described below.

It is the policy of the City of Seattle to minimize or prevent temporary adverse impacts associated with construction activities, including measures to address pedestrian circulation, parking and transportation impacts during construction (SMC 23.05.0675.B). Adverse impacts are not adequately mitigated by existing City codes nor identified by the applicant. Thus, additional mitigation is warranted pursuant to the Construction Impacts Policy (SMC 25.05.675.B). Pursuant to this policy, a construction transportation management plan (CTMP) addressing street/sidewalk closures, construction employee parking, as well as truck routes and hours of truck traffic, will be required to mitigate identified impacts.

Long-term Impacts

Potential long-term or use-related impacts anticipated by this proposal include: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased ambient noise associated with increased human activity and vehicular movement; minor increase in light and glare from exterior lighting and from vehicle traffic (headlights); increased traffic and

parking demand due to employees and visitors; increased airborne emissions resulting from additional traffic; increased demand on public services and utilities; and increased energy consumption.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control Code which requires on-site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. However, due to the size and location of this proposal, traffic and parking impacts warrant further analysis.

Traffic and Transportation

Transportation Engineering NorthWest, LLC (TENW) prepared a Traffic Impact Study (dated June 6, 2006) for this proposal-referenced in the report as the “135th & Aurora development”. This report is divided into four major sections: section one describes the project proposal project approach and primary data sources; section two describes current traffic, parking and transit condition and collision history; section three describes the estimated future traffic conditions in the study area (forecasted to 2007), with or without development of the proposed project and explains the additional traffic and parking demands likely to be generated by the proposed project; and section four discusses finding and conclusions of the report. The analysis in this report is based on a development consisting of a 45,000 sq. ft. health club and a 6,400 sq. ft. retail building with 235 onsite parking spaces expected to be occupied during the year of 2007. Vehicular access to the development would be provided via an existing driveway from Aurora Avenue North and a proposed driveway from Stone Avenue North.

The following roadways are adjacent to and nearby the proposed site:

- Aurora Avenue North is a two-way, north-south roadway. It is classified as a Principal Arterial by the City of Seattle and serves multiple bus routes in the area. This roadway has six travel lanes including a northbound transit only lane and a center two-way left turn lane. No parking is allowed on this portion of the roadway.
- North 135th Street is a two-way, east-west roadway. Parking is allowed on this roadway.
- North 130th Street is a two-way east-west roadway. It is classified as a Principal Arterial by the City of Seattle, serving multiple bus routes in the area. This roadway has four travel lanes and a left turn only lane at each intersection. No parking is allowed on this portion of the roadway. This street provides a link between Aurora Avenue North and I-5.
- Stone Avenue North is a two-way, north-south roadway. Parking is allowed on this roadway.

The traffic volume resulting from this project was estimated by using the *Institute of Transportation Engineers (ITE) Trip Generation Manual (7th edition)* for the categories of “Health Club” and “Retail”. Taking into consideration pass-by trips associated with the existing neighboring retail uses, the report states the new development would generate approximately 1,665 net new daily trips, of which 59 would be generated during the AM peak hour, and 198 trips during the PM peak hour.

The transportation report identified six signalized and two unsignalized intersections for analysis during the weekday PM peak hour for operational characteristics. The table below illustrates the following: each intersection's existing level-of-service (LOS) in the year 2006 and forecasted LOS in the year 2007 with or without the project; and, each vehicular driveway access driveway's forecasted LOS in the year 2007 with the project. The identified delays are divided into several grade levels, ranging from LOS A (minimal delays) to LOS F (long delays).

Signalized Intersections	Existing 2006 LOS	2007 LOS Without Project	2007 LOS With Project
Aurora Avenue North/North 145 th Street	F	F	F
Aurora Avenue North/North 135 th Street	B	B	B
Aurora Avenue North/North 130 th Street	D	D	D
Aurora Avenue North/North 125 th Street	C	C	C
Stone Avenue North/Northeast 130 th Street	B	B	C
1st Avenue North/North 145 th Street	D	D	D
Unsignalized Intersections			
Aurora Avenue North Driveway Access	-	-	-
• Outbound left-right turns (westbound)	-	-	B
• Inbound left turn (southbound)	-	-	B
Stone Avenue North Driveway Access	-	-	-
• Outbound left-right turns (eastbound)	-	-	A
• Inbound left turn (southbound)	-	-	A

The LOS analysis indicates one signalized intersection-Stone Avenue North and Northeast 130th Street-degrades from an LOS B to an LOS C. Additionally, one signalized intersection-Aurora Avenue North and North 145th Street is forecasted to continue operating at an LOS F. Per the report, this poor level-of-service would occur with or without the project and the average delay is expected to increase by less than five seconds. The remaining study intersections, with the addition of new project trips, would continue to operate at a PM peak hour LOS ranking of D or better. The two proposed site accesses are forecasted to operate at an LOS B or better in the year 2007 with the project.

Overall, it is predicted that a small increase in traffic delay would occur; however, the extent of the additional delay will not be noticed by most drivers. Therefore, no SEPA mitigation of traffic impacts is warranted.

Parking

The Land Use Code requires a total of 140 parking spaces and one loading berth for the entire development: 123 parking spaces and one loading berth for the indoor participant sport building; and seventeen (17) parking spaces for the retail building. The submitted MUP plans indicate a total of 235 surface parking spaces and one loading berth are provided. Access to the proposed loading space located at the northwesterly corner of the site would be via either driveways fronting on Aurora Avenue North or Stone Avenue North.

A parking demand analysis was included within the Traffic Impact Study report prepared by TENW (dated June 6, 2006) to assess how closely the proposed number of parking spaces would match the anticipated peak parking demand. Based on researched information from the *Institute of Transportation Engineer's (ITE) Parking Generation (3rd edition)*, TENW estimates a peak parking demand rate of 5.19 vehicles for every 1,000 sq. ft. health/fitness club area and 2.65 vehicles for every 1,000 sq. ft. of retail area. Using these multipliers, the estimated parking demand would be 234 parking spaces based on approximately 45,000 sq. ft. of health/fitness club building area and seventeen (17) parking spaces based on approximately 6,400 sq. ft. of retail building area. It is estimated that the combined peak parking demand (for both uses) for 246 parking spaces would occur at 6:00 PM during the weekday. The development will provide 235 parking spaces. In consultation with the DPD Transportation Planner, the TENW engineer estimates the effective parking supply is 95% of the total parking stalls; which would result in availability of 223 (95% x 235) parking stalls. Based on this parking demand estimate in comparison with the effective parking supply count, the effective parking supply would be deficient by twenty-three parking stalls (246-223=23).

The TENW engineer states a shared parking agreement currently exists with the existing neighboring retail uses located south of the site (Staples, Kmart, Petsmart, and Albertsons). Based on this assumption, a parking utilization study was conducted on Wednesday July 12, 2006 through Thursday July 13, 2006. Of the existing 532 shared parking stalls, only 179 parking stalls on average were utilized at 6:00 PM. Therefore, TENW reports sufficient shared parking would be available to accommodate the potential excess demand of twenty-three (23) stalls from the proposed development and on-street parking would not be impacted.

The subject site and the neighboring sites located on this block are encumbered by numerous easements and agreements. The TENW report doesn't reference the recorded document that states the shared parking agreement language. Therefore, at the request of DPD, the owner's legal representation submitted a memorandum ("135th & Aurora", October 19, 2006) which included references to two recorded documents – "Declaration of Restrictions, Grant of Easements and Common Area Maintenance Agreement" (#9610250943) and "Amendment No. 1 to Declaration of Restrictions, Grant of Easements and Common Area Maintenance Agreement" (#20001114001202). DPD has reviewed the aforementioned documents and has concluded that a portion of the subject site ("L" shaped parcel identified as 49C) is benefited by a nonexclusive easement for vehicular parking (#9610250943). However, the remaining portion of the subject site on which the proposed retail and health/fitness club buildings are to be constructed does not have benefit of such easement. It is the Department's stance that official documentation must be provided that demonstrates the owner of subject site, in its entirety, has authority to instruct its customers to park at the neighboring properties. Therefore, in order to guarantee that off-site parking will be legally allowed on the neighboring properties that will meet anticipated parking excess demand, a condition will be added to require the owner to implement one of the following options:

1. Option A - Covenant a minimum of twenty-three (23) parking spaces and document the location of the parking stalls.
2. Option B - Provide a nonexclusive easement for vehicular parking between the entire subject site and said properties south of the subject site.

Summary

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

The responsible official on behalf of the lead agency made this decision after review of a completed environmental checklist and other information on file with the department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

Prior to Issuance of the Master Use Permit

1. In order to guarantee that off-site parking will be allowed on the neighboring properties to meet anticipated parking excess demand, the owner(s) and/or responsible party(s) shall provide one of the following options:
 - Option A - Submit an off-site parking covenant to be filed with King County Department of Records and Elections which would commit one or more of the property owner(s) of the adjacent southern properties to provide at the minimum twenty-three (23) parking spaces to accommodate the peak spillover demand from the project, or
 - Option B - Provide a nonexclusive easement for shared vehicular parking between the entire subject site and said properties south of the subject site.

Prior to Issuance of the Grading or Building Permit

2. To further mitigate construction related transportation and parking impacts, applicant must prepare and submit a Construction Transportation Management Plan (CTMP) to be reviewed and approved by DPD in consultation with Seattle Department of Transportation (SDOT). The CTMP must include, at the minimum:

- approximate phases and duration of construction activities
- identification of haul routes to and from the site
- identification of potential street closures
- identification of potential sidewalk closures and management of pedestrian routes

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

3. Comply with the provisions set forth by the approved Construction Transportation Management Plan.

CONDITIONS – DESIGN REVIEW

Prior to Issuance of the Master Use Permit (Non-Appealable)

4. Update the submitted MUP plans to reflect all of the recommendations made by the Design Review Board and reiterated by the Director's Analysis. The plans shall also reflect those architectural features, details and materials described at the Design Review Recommendation meeting.
5. All zoning requirements shall be satisfied.

Prior to Issuance of the Master Use Permit

6. Widen the sidewalk adjacent to the Aurora driveway aisle and/or provide a bench at the midpoint of the sidewalk similar to the resting areas suggested along Aurora Avenue North.
7. Provide a differentiation between paving colors and textures at every pedestrian crossing point (six in total) in the parking lot. Each crossing point should also be raised.
8. Provide glazing at the east end of the retail building's north façade that wraps around the northeast corner or provide an alternative design treatment that incorporates glazing along that façade. Green screens should be retained.
9. Provide a landscape plan that includes the following information:
 - A list of correctly identified plants.

- Additional landscape islands and trees (minimum four trees) at the southwestern parking area to assist in clearly defining the separation between properties.
- Proposed trees planted within the parking areas should be large canopy deciduous species (Red Maple, Large Acers) that provide shade during the summer, preferable fall color and interesting form in the winter.
- Plantings in the cribblock wall should be dense, lush, irrigated and-when mature-the wall will not be visible; a predominance of evergreen plantings (drought tolerant).
- Proposed trees and plantings along the northernmost retaining wall should “feel looser”, have more of a variety of species and have a mix of evergreens and deciduous. The quantity of trees should remain. The symmetry of the linear landscaping should not appear too regimented.
- Proposed trees planted near the sports facility’s entrance (Magnolias) should be large evergreen species with large tree grates.
- A mixture of large canopy deciduous and evergreen species along the retail building’s west façade that minimizes the opportunity for nefarious activities and adds interest to the pedestrian realm and the building frontage along Aurora Avenue North.

10. The plans shall reflect those architectural features, details and materials described under Guidelines C-1, C-2, C-3, C-4, D-1, D-2, D-3, E-1, E-2, and E-3.

Prior to Issuance of a Certificate of Occupancy (Non-Appealable)

11. Compliance with conditions #1-4 must be verified and approved by the Land Use Planner prior to the final building inspection. The applicant/responsible party is responsible for arranging an appointment with the Land Use Planner at least three working days prior to the required inspection.

NON-APPEALABLE CONDITIONS

12. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Tamara Garrett, 684-0976), or by the Design Review Manager (Vince Lyons, 233-3823). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.

13. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD Land Use Planner assigned to this project or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least three working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.

14. Embed all of the conditions listed at the end of this decision in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.
15. Embed the 11" x 17" colored elevation and landscape drawings from the DR Recommendation meeting and as updated, into the MUP plans prior to issuance, and also embed these colored drawings into the Building Permit Plan set in order to facilitate subsequent review of compliance with Design Review.

Compliance with all applicable conditions must be verified and approved by the Land Use Planner, Tamara Garrett, (206 684-0976) at the specified development stage, as required by the Director's decision. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved. **Prior to any alteration of the approved plan set on file at DPD, the specific revisions shall be subject to review and approval by the Land Use Planner.**

Signature: (signature on file) Date: 11/2/06
Tamara Garrett, Land Use Planner
Department of Planning and Development